

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
)	
vs.)	CRIMINAL ACTION 10-00088-KD
)	
SHEDRICK MARKAEL ROGERS,)	
)	
Defendant.)	

ORDER

This action is before the Court on the defendant's revised ex-parte motion for the issuance of a subpoena duces tecum and motion to withdraw the ex-parte motion to show cause (doc. 43). This motion has been granted in part by endorsed order (doc. 44). However, embedded in the motion is a sentence stating that the Assistant United States Attorney "also indicated that the Bureau of Prisons is now requesting an order pursuant to the Privacy Act (proposed order attached)." The proposed order states as follows:

The Court finds that the release of the records described in the subpoena (doc. 43) in the above-entitled matter requesting the disclosure of records maintained by the Federal Bureau of Prisons regarding Shedrick Rogers is in compliance with the Privacy Act, 5 U.S.C. § 552a. Accordingly, the Court ORDERS compliance with the subpoena.

(doc. 43-2).

The request for this Order is **DENIED**. There is insufficient evidence and briefing before the Court for the Court to find that release of Rogers' records is in compliance with the Privacy Act, 5 U.S.C. § 552a.

DONE this 21st day of December, 2010.

s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE